

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS

_____ THERESA ROMANO, L.R. BLAKE TRUST, and Concetta Romano)))	
Plaintiffs)	Civil Action No.
)	03-12626MLW
v.)	
)	
ARBELLA MUTUAL INSURANCE CO.,)	
)	
Defendant)	
_____)	

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to F.R.C.P. 56(b), the Defendant Arbella Mutual Insurance Co. ("Arbella") hereby moves for summary judgment. Arbella rests this motion on two grounds, which are more fully set forth in the supporting memorandum: 1) that the Plaintiffs have failed to cooperate by not providing requested financial documents which are material to a determination on the claim; and 2) that the Plaintiffs have concealed and/or misrepresented pertinent information to the claim.

WHEREFORE, Defendant requests the Court dismiss Counts I and II of the Complaint.

Respectfully submitted,
ARBELLA MUTUAL INSURANCE COMPANY,
By its attorneys,

Lewis C. Eisenberg (18)
Lewis C. Eisenberg (BBO# 152140)
Nicholas A. Kenney (BBO# 650784)
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CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above document was served upon the attorney of record for each party by First Class Mail. *Hancock*
Date: *8/4/04*
Nicholas A. Kenney
NICHOLAS A. KENNEY

Dated: August *4*, 2004

Rule 7.1 Certification

Pursuant to F.R.C.P. Local Rule 7.1(a)(2) I, Nicholas Kenney, hereby certify that Arbella's counsel has conferred and attempted in good faith to resolve or narrow the issue raised in the foregoing motion.

8/4/04
Date

Nicholas A. Kenney
Nicholas A. Kenney